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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/841,344 | 04/24/2001 | Chien-Bin Huang | DF.PRIMAX001A | 5500 |

27299 7590 02/20/2004

GAZDZINSKI & ASSOCIATES
11440 WEST BERNARDO COURT, SUITE 375
SAN DIEGO, CA 92127

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| EXAMINER |
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PHU, SANH D

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| ART UNIT | PAPER NUMBER |
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2682

DATE MAILED: 02/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

✓

Office Action Summary

Application No.

09/841,344

Applicant(s)

HUANG ET AL.

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-21 is/are allowed.
- 6) ☒ Claim(s) 1,5 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections – 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation “the orientation-adjusting device according to claim 1”. There is insufficient antecedent basis for this limitation in the claim. It appears that claim 5 depends on claim 4; it does not depend on 1.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent

or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 5, 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Melax (6,292,146).

Regarding to claim 1, see Fig. 1, 2, 3, 4, 5a, 5b, 6 and col. 2, line 50 to col. 4, line 55, Melax disclose an orientation-adjusting device for adjusting an orientation of a wireless communication device (Fig. 6), said wireless communication device being mounted in a main frame via an interface device (100), and said orientation-adjusting device comprising:

a first housing (21) for accommodating therein said wireless communication device (see col. 2, line 50 to col. 3, line 3);

a second housing (30) pivotally connected to said first housing to allow said first housing to rotate in a first direction relative thereto (see col. 3, lines 4 to col. 4, line 39); and

a third housing (23,100) for accommodating therein said interface device, pivotally connected to said second housing to allow said second housing to rotate in a second direction relative thereto (see col. 3, lines 4 to col. 4, line 39).

Regarding to claim 5, Melax disclose that a second housing includes a hollow disk body secured to a first engaging part for sleeving around a first cylindrical portion (see Fig. 1, 2, 3, 4, 5a, 5b, 6, col. 2, line 50 to col. 4, line

Regarding to claim 7, Melax disclose that a first direction is perpendicular to said second direction (see Fig. 1, 2, 3, 4, 5a, 5b, 6, col. 2, line 50 to col. 4, line 44).

Regarding to claim 8, Melax disclose that a wireless communication device is a wireless transceiver (see Fig. 1, 2, 3, 4, 5a, 5b, 6, col. 2, line 50 to col. 4, line 39).

Regarding to claim 9, Melax disclose that a main frame is a personal computer (see Fig. 1, 2, 3, 4, 5a, 5b, 6, col. 2, line 50 to col. 4, line 44).

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Melax (6,292,146).

Regarding to claim 10, Melax does not disclose that an interface device is a Universal Serial Bus (USB) adapter. However, He discloses that his invention can be used within PCMCIA card.

Therefore, it would have been obvious for one skilled in the art to modify PCMCIA card adapter as USB adapter in order to make the device smaller and easier to connect to the PC.

Allowable Subject Matter

4. Claim 2-4 and 6 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding to claim 2-4 and 6, the prior art of record does not teach a second housing including a passage for penetrating therethrough a signal cable connecting said wireless communication device and said interface device.

5. claims 11-21 are allowed.

Regarding to claim 11-16, none of prior art of records teach an orientation-adjusting device for adjusting an orientation of a wireless communication device, said wireless communication device being mounted in a main frame via a signal cable and an interface device, and said orientation-adjusting device comprising:

a first housing for accommodating therein said wireless communication device, which includes a first shaft;

a second housing including a first portion penetrating therethrough said signal cable and sleeving around said first shaft, and a second portion being of a hollow cylindrical shape; and

a third housing including a third portion for accommodating therein said interface device, and a fourth portion being of a hollow cylindrical shape, engaging with said second portion of said second housing to form a hollow cylinder for penetrating therethrough said signal cable, and serving as a second shaft;

wherein said first and second housings optionally perform a first relative rotating motion with said first shaft, and said second and third housings optionally perform a second relative rotating motion with said second shaft to adjust said orientation of said wireless communication device, as recited in independent claim 11.

Regarding to claim 17-21, none of prior art of records teach an orientation-adjustable transceiver assembly, comprising:

a transceiver mounted in a first housing;

a signal cable connected to said transceiver and penetrating through a second housing which pivots relative to said first housing to adjust the orientation of said transceiver in a first direction; and

an interface device connected to said signal cable and mounted in a third housing which pivots relative to said second housing to adjust the orientation of said transceiver in a second direction different from said first direction, as recited in independent claim 17.

Conclusion

6. References Mou (6,359,591) is additionally cited because they are pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-301-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

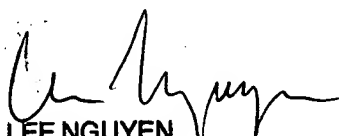
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

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Sanh D. Phu
Examiner
Art Unit 2682

SP


LEE NGUYEN
PRIMARY EXAMINER